

1982 WL 189373 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

July 20, 1982

**\*1 RE: Housing Authority of the City of Greenville**

Joseph M. Jenkins, Jr., Esquire

Horton, Drawdy, Hagins, Ward & Johnson, P.A.

Post Office Box 10167 F.S.

Greenville, South Carolina 29603

Dear Mr. Jenkins:

You have requested an opinion as to whether a corporate contractor may bid on a construction contract for the above named authority when one or more members of the Board of Commissioners have a very small minority shareholders' interest in the corporate contractor. You have cited [§ 31-3-360 of the 1976 Code of Laws of South Carolina](#). That section by its terms is a flat prohibition of any interest by a commissioner of an Authority in any contract or proposed contract. This statutory language appears clearly to prohibit such contracts.

In addition, the Attorney General has consistently issued opinions to the effect that such transactions are void under the common law and not curable by full disclosure or by other means. I enclose one such opinion.

For these reasons, it is the opinion of this office that the transactions in question are not authorized by law.

Sincerely yours,

Kenneth P. Woodington

Senior Assistant Attorney General

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